

**MINUTES**  
**LICENSING COMMITTEE MEETING**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**1917 IH35 SOUTH**  
**AUSTIN, TX 78741**  
**November 16, 2011 — 1:00 PM**

**Call to Order.** Committee Chair James “Jim” Greer, P.E., called the Licensing Committee meeting to order at 1:06 p.m., on November 16, 2011, at the Texas Board of Professional Engineers, (TBPE) 1917 South Interstate 35, Austin, Texas. (Note: All votes are unanimous unless otherwise indicated.)

**1. Roll call and welcome visitors.**

Jim Greer, P.E.	Chair
Carry A. Baker	Member
Bobby Balli, P.E.	Member
Govind Nadkarni, P.E.	Member

A quorum was present. Kevin Heyburn, Assistant Attorney General, was present to provide legal counsel. Mr. Edmundo Gonzalez, Jr., P.E., Emeritus Board Member, was present.

**The following staff members were present:**

Lance Kinney, P.E.	Executive Director
Priscilla Pipho, MPA	Deputy Executive Director
David Howell, P.E.	Director of Licensing
Dewey Helmcamp, III, JD	Staff Attorney
Shannon Velasquez	Licensing Specialist
Dorothy Gonzales	Executive Assistant

**Visitors.** Terry Bilderbag, P.E., Texas Society of Professional Engineers (TSPE); Doug Bell, P.E., TSPE; Trish Smith, TSPE; Carol and Ron Hemphill; Al Kosik, P.E., Texas Department of Transportation (TxDOT).

**Personal appearance (see agenda item 4):** William Shane Cannon, Kevin Denson, Tad Fielder, Juan M. Moran-Lopez, John T. Schalekamp, Christopher Barber.

- 2. Public comment.** Ms. Carol Hemphill addressed the Committee and opined that the Board has been licensing unqualified engineers. She believes that the Board should protect the citizens of Texas, and not the engineers. She requested that the Policy Advisory Opinion Committee offer an opinion on whether a Board member has a right to grant a license to someone without Board approval. She requested that the Licensing Committee research and provide the names of all currently licensed PEs who did not pass the exam when one was required. She requested those names and reasons be brought before the Board.

It was suggested to Ms. Hemphill she submit her requests in writing and she stated that she would do so.

**3. Discuss and possibly approve the August 17, 2011, Licensing Committee Minutes.**

It was MOVED/SECONDED (Balli/Nadkarni) to approve the August 17, 2011, Licensing Committee Minutes. A vote was taken and the MOTION PASSED.

**Discuss and Possibly Act on the Following (Agenda Items 4-6):**

**4. Discuss and possibly act on applications for licensure: Personal Interviews:**

Mr. Greer read the following statement to the audience:

*It is one of the primary obligations of the Texas Board of Professional Engineers to assure that Texas engineers are held to the highest standards of competency, integrity, and honesty. Public safety depends upon that standard and consistently achieving in our profession requires faithful and unwavering practice of honesty and integrity in all aspects of our lives, not only when we sit at our desk.*

**William Shane Cannon.** This applicant was requesting to take the PE exam. He passed the FE exam in 2005. He was referred to the Committee due to several criminal incidents in his record the most recent of which was a 2007 criminal conviction. He has satisfied all the court requirements. Mr. Cannon prepared a brief statement for the Committee outlining the incidents that occurred, recognizing his lapse in judgment and accepting full responsibility for his actions. He added he has learned from his mistakes and does not place himself in those types of situations anymore. He takes his responsibilities as an engineer seriously, and has matured. Mr. Cannon provided one additional reference and two court documents for the Committee to review. After further discussion with Mr. Cannon on his 2007 incident, and examples of how he has changed his life, including what he has changed to ensure this does not happen again, and his leadership skills he will apply if he passes the PE exam, the Committee recommended that Mr. Cannon take and successfully complete the Ethics I course as a condition for sitting for the exam.

It was MOVED/SECONDED (Balli/Nadkarni) to recommend to the Board at its Regular Quarterly Board meeting on November 17, 2011, to allow Mr. Cannon to take the PE exam after he has successfully completed the Level I Ethics course offered by the National Institute of Engineering Ethics at Texas Tech University. Mr. Cannon should provide all documents to Mr. Howell for review and approval. A vote was taken and the MOTION PASSED.

**Kevin Denson.** This applicant was requesting to take the PE exam. He passed his FE exam in 2006. He was referred to the Committee due to several criminal convictions on his record. He admitted to making mistakes and accepted full responsibility for his actions. He proclaimed that his life is engineering. He has taken classes since his last incident and says that everything is getting better. He is thankful to be before the Committee asking for the opportunity to take the PE exam. Mr. Balli asked the applicant why he failed to report his criminal incidents on the application. The applicant explained that he was in a rush to make sure his application met the deadline. His incident was deferred adjudication and believed he did not have to submit that information. Mr. Balli said that to be an engineer takes a long time, and to apply for licensure is not a rushed decision. After further discussion, the Committee agreed that the applicant should gain an additional two (2) years of experience. Ms. Baker suggested that Mr. Denson may consider taking a financial class to assist with budgeting.

It was MOVED/SECONDED (Balli/Nadkarni) to recommend to the Board at its Regular Quarterly Board meeting on November 17, 2011, to hold Mr. Denson's application for two (2) years, that he take and successfully complete the Level I Ethics course offered online by the National Institute of Engineering Ethics at Texas Tech University, provide updated information on experience, and provide the required references plus two (2) additional references which may be character references. A vote was taken and the MOTION PASSED.

**Tad Fielder.** This applicant was requesting to take the PE exam. He passed the FE exam in 2000. He was referred to the Committee due to a 2008 criminal conviction. He provided two additional documents for the Committee to review. Mr. Fielder addressed the Committee and explained his incident, indicating that the charges were dropped and he was offered deferred adjudication. He stated that he has the opportunity to have that incident expunged but he believes that if he does, it would be as if he were trying to hide it. He explained that he now ensures he has a designated driver and has changed his habits. He has taken classes regarding drinking alcohol which depicted accidents in which fatalities occurred while a drunk driver was behind the wheel. The classes had a great impact on him.

It was MOVED/SECONDED (Nadkarni/Baker) to recommend to the Board at its Regular Quarterly Board meeting on November 17, 2011, to allow Mr. Fielder to take the PE exam. A vote was taken and the MOTION PASSED.

**Juan M. Moran-Lopez.** This applicant was requesting to take the PE exam. He passed the FE exam in 2006. He was referred to the Committee due to a 2010 criminal conviction. Mr. Moran addressed the Committee and commented that he had a lapse of judgment. He said this experience was costly and an eye opener. The greatest impact was from a Mothers Against Drunk Drivers (MADD) class. He explained that he has taken steps to prevent this from happening again by staying out of those types of situations. He takes public transportation and advises friends not to drink and drive, keeps active, and makes better decisions. He has also become active in the community, volunteers with the Fire Relief in Bastrop, Virginia Tech Alumni Association, and Austin Partners in Education

program in local high schools. He stated that he is working on becoming a better person and that he has learned from his mistakes.

It was MOVED/SECONDED (Nadkarni/Ballí) to recommend to the Board at its Regular Quarterly Board meeting on November 17, 2011, to hold the application, require the applicant to furnish one (1) additional PE reference and two (2) character references, require that he appear before the Licensing Committee at the August 2012 meeting, and be allowed to take the exam in October 2012. A vote was taken and the MOTION PASSED.

**John T. Schalekamp.** This applicant was requesting to take the PE exam. He originally applied to take the PE exam in 2008 at that time he had a conviction. He came before the Licensing Committee in 2009, but the Committee did not make a decision due to a pending issue. The committee requested that he come back when the issue was resolved. Since then, the charge has been dropped. He passed the FE exam in 2004. Mr. Schalekamp told the Committee that he regrets the incident and has made changes in his life. He has attended AA meetings and classes which were completed in January 2009.

It was MOVED/SECONDED (Nadkarni/Baker) to recommend to the Board at its Regular Quarterly Board meeting on November 17, 2011, to allow Mr. Schalekamp to take the PE exam in April 2012. A vote was taken and the MOTION PASSED.

**Christopher Barber.** This applicant was requesting to be licensed in Texas, including waivers of both the FE and PE exams based on the fact that he is licensed in Arizona. The applicant requested to appear before the Committee to appeal staff's denial of his application. The application was denied by staff based on education. The education rule requirement is that foreign degrees should either be covered by the Washington Accord or be evaluated by one of the five (5) approved companies to determine equivalence with a US degree. The transcripts included in the application did not have a grade sheet, so the foreign degree cannot be evaluated. Since the education program was not covered by the Washington Accord at the time the degree was conferred, the application was denied by staff. Mr. Greer thanked the applicant for his appearance and patience to discuss this situation. Mr. Barber thanked the Committee for allowing him to appear before the Committee. He stated that in the University system in the United Kingdom, degrees are conferred under the Council for Academic Awards. The university did provide a grade sheet for the final year before graduation. In 1975 it was not common practice for the universities in the United Kingdom to keep transcripts showing grades for all the years in the university. Mr. Barber's understanding is that a degree from this university is considered approved by the Washington Accord. He believes that the discrepancy is that the Washington Accord was signed in 1989 and he graduated in 1975. He does not believe that much has changed since then. He believes his degree is covered under the Washington Accord therefore qualifies to be considered by the Board. He has documentation from the United Kingdom recognizing his degree as an engineering degree and is a chartered engineer in the UK and licensed professional engineer in Arizona. The Committee discussed the requirements of the state of Texas to be licensed as an engineer at the time of the application. Mr. Balli commented that staff followed all the application requirements as set by rule; it's up to the Board to make a decision. Mr. Nadkarni shared the Texas requirement that the applicant must take the PE exam to get licensed. Mr. Howell added that there is rule that allows someone from another state to request a waiver of the PE exam. Mr. Howell maintained that there were two issues for the Committee to consider: one is the education requirements; the second is the waiver request. After further discussion, the Committee directed staff to do more research to include a further review of the Washington Accord and provide the information at the next scheduled Committee meeting for recommendation. Mr. Greer informed the applicant that he will be notified in advance whether he must appear before the Committee or not.

It was MOVED/SECONDED (Ballí/Nadkarni) to table this application and direct staff to research and provide the findings to the Committee at the next scheduled meeting. A vote was taken and the MOTION PASSED.

The Chair called for a break at 2:57 pm. The meeting reconvened at 3:11 pm.

## 5. **Licensing Director's Report.**

- **Reports.**

- **Software Engineer Update.**

Mr. Howell said he was on a taskforce that created an initial draft of a guidance document for licensing software engineers. Mr. Kinney presented it to the Software Engineering Licensing Consortium who turned it over to IEEE-USA. Mr. Howell commented that the future of the document is positive.

- **Results and statistics:** Application and Examination Report

Mr. Howell reviewed the application and examination report included as an exhibit. Mr. Balli reported that he visited the exam site in Houston, and noted that it is a very interesting process. Mr. Howell reported that as of November 1, 2011, there are over 55,000 licensed engineers.

- **Licensing processes.**

Mr. Howell reported that the PE application process is now available online, and 50 percent of the recent applicants have used this method for submitting their applications. Work is still being done on the additional document capability. He also commended the licensing staff, noting that they have done a great job with this new process.

- **Criminal Conviction Policies.**

- Criminal History Policy for Applications.
  - Criminal Conviction for Licensee.

Mr. Howell reviewed that the Committee had requested that the Criminal History Policy be presented to the Committee for review. He added that the existing policy addressed criminal history requirements for both applicants and licensees together. The staff believes that these should be two separate policies since they serve two different purposes. Mr. Kinney added that this is the original policy just separated into two separate policies, and the Committee may recommend changes as they see fit. Mr. Howell informed them that all licensing boards are required under Occupation Code, Chapter 53 to have a criminal conviction policy in place. Mr. Howell added that staff is requesting a motion for approval since Chapter 53 requires that the policies be posted in the Texas Register. Mr. Greer thanked staff for bringing this for the Committee to review. He asked the Committee members if they had any changes to the policies or would like to keep with the existing policies. Mr. Howell summarized the current policy in place. Mr. Nadkarni commented that he agreed with the current policy in place.

It was MOVED/SECONDED (Balli/Baker) to approve the current policy language and separate it into two different policies as presented to the Committee. A vote was taken and the MOTION PASSED.

## 6. **Issues for consideration and schedule next meeting.**

### **ADJOURN.**

It was MOVED/SECONDED (Balli/Nadkarni) to adjourn the meeting at 3:31 pm. A vote was taken, and the MOTION PASSED.

Date Committee approved as submitted:  
Date Board accepted:

February 14, 2012  
February 15, 2012